

• • R E M A R K S •

The Official Action of January 15, 2003 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, independent claim 1 has been changed to recite that the body part is adapted to be invertibly folded and housed inside the blind-end frame together with the open frame by means of flexibility of the body part.

Support for this change to independent claim 1 can readily found in the drawings, particular in Figs. 3-5.

This change to the claims more clearly describes how the flexibility of body part allows the open frame and body part to be folded into the blind-end frame.

Entry of the changes to independent claim 1 is respectfully requested.

Claims 1-10 are pending in this application.

Claims 1-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,867,993 to Nordskog in view of U.S. Patent No. 5,806,408 to DeBacker et al.

Claims 6-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nordskog in view of DeBacker et al. and further in view of U.S. Patent No. 4,520,716 to Hayes.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nordskog in view of DeBacker et al. and further in view of U.S. Patent No. 6,103,116 to Koslow et al.

For the reasons set forth below, it is submitted that all of the pending claims are allowable over the prior art relied upon by the Examiner and therefore, each of the outstanding rejections of the claims should properly be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

The Examiner has relied upon Nordskog as teachings a coffee filter device that comprises a blind frame 20, an open frame 38, a body part 30 containing the blind frame and the open frame, wherein the body part is deformable with shape retaining ability, a store room enclosing the extractables 14, wherein when not in use, the body could be folded into the blind frame and the body part could be expanded and restored to the original cup shape when in use.

The Examiner has relied upon DeBacker et al. as teaching a coffee filter having an open frame that is smaller than the blind frame, with a collapsible wall.

In combining the teachings of Nordskog and DeBacker et al., the Examiner takes the position that:

It would have been obvious....to have a filter as taught by Nordskog (993) but with the open frame smaller than the blind frame, which is essentially inverting the design of Nordskog (993), as in DeBacker (408) because this design could have the advantage of collapsing the open frame (22 or 22b) completely into the inside of the blind frame for complete and convenient sealing with peelable strips for packaging and shipping.

Nordskog does not teach a structure in which an open frame is adapted to be folded and housed inside a blind-end frame together with a body part that integrally connects the open frame to the blind-end frame.

Taking the Examiner's interpretation of Nordskog, the structure of Nordskog identified by reference numeral 38, i.e. the side rims (the Examiner's "open frame") does not fold into the

structure of Nordskog identified by reference numeral 20, i.e. the sidewalls (the Examiner's "open frame") together with the structure of Nordskog identified by reference numeral 30, i.e. the pleats (the Examiner's "body part").

In order to more clearly describe the manner in which applicant's body part folds into the blind-end frame together with the open frame, independent claim 1 has been changed to recite that the body part is adapted to be invertibly folded and housed inside the blind-end frame together with the open frame by means of flexibility of the body part.

Nordskog clearly does not teach any structure which is configured to be folded in the manner required by applicant's claimed invention.

Note, in the embodiments depicted in Figs. 1-6 of Nordskog none of the spaced apart portions of the chamber actually fold into one another. Rather the walls of the chamber collapse in an accordion-like manner.

Applicant's claimed invention requires a blind-end frame.

The Examiner has relied upon the element identified by reference numeral 20 in Nordskog as being a "blind frame." Reference numeral 20 in Nordskog is used to identify the sidewalls of the entire container 12.

This container 12 does not have a "blind end."

For the Examiner's reference, applicant is submitted herewith as Exhibit A is a copy of U.S. Patent No. 4,530,439 to Finnell which claims a "first blind end" which is believed to refer to bottom end wall 30 in Fig. 3. Finnell indicates at least one structure that is referred to as a "blind end." That is, a structure in which the blind end is not the actual end or bottom of the device.

It is submitted that the term "blind-end" as used by applicant is recognized in the art and relates to a particular structure which is not taught by Nordskog.

Accordingly, Nordskog does not teach applicant's claimed blind-end frame.

The Examiner's reliance upon the secondary reference to DeBacker et al. does not overcome the deficiencies noted above with respect to Nordskog.

Moreover, it has to be pointed out that whereas Nordskog is directed to a filter structure that includes rims 38 that are "used to fit into standard guideways in a coffee or other similar hot beverage making machine" - DeBacker et al. is directed to a beverage brewing device that includes a container 14 that serves as a cup from which the brewed beverage can be drank.

The differences between Nordskog and DeBacker et al. are believed to render their proposed combination non-obviousness rather than obvious.

No one who is at all familiar with the type of coffee filter that is configured to be received and held in standard guideways in a coffee or other similar hot beverage making machine - and dispense the extracted coffee into a receiving pot, would make the top of device smaller than the bottom of the device as the Examiner suggests. That is, no one would merely invert the structure of Nordskog because of the way it is designed to receive hot water in the top from a hot beverage making machine and dispense coffee into a receiving pot.

The Examiner has relied upon Hayes as teaching a cup holding frame in a coffee-making filter with the store room hanging down from a hole in the blind frame.

In combining the teachings of Nordskog, DeBacker et al. and Hayes, the Examiner has taken the position that:

It would have been obvious to....have a cup-holding frame at the bottom of the filter taught by Hayes (716) in the teaching of Nordskog (993) for securely attaching the filter to a coffee-cup...

The Examiner's further reliance upon Hayes does not address or overcome the deficiencies noted above between the teachings of Nordskog and the present invention.

Moreover, the "Disposable Beverage Brewing Chamber" of Nordskog is configured to be used in conjunction with a "conventional coffee or other hot beverage brewing and dispensing machine." The chamber is provided with rims 38 that are "used to fit into standard guideways in a coffee or other similar hot beverage making machine.

There is no motivation in the record for modifying Nordskog to have the bottom basket 30 of Hayes.

The Examiner has relied upon Koslow et al. as teaching a non-woven fabric material for the filter material of a coffee filter.

The Examiner's further reliance upon Koslow et al. does not address or overcome the deficiencies noted above in reference to Nordskog.

Based upon the above distinctions between the prior art relied upon by the Examiner and the present invention, and the overall teachings of prior art, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §103 to establish a *prima facie* case of obviousness of applicant's claimed invention.

It is, therefore, submitted that any reliance upon prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejection of the claims should hence be withdrawn.

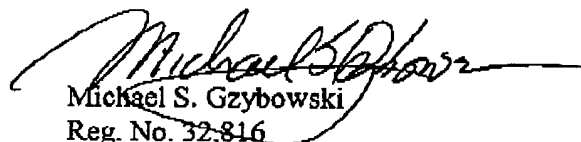
Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remains outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,

  
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Marked-Up Copy of the Claims  
As Amended on April 15, 2003

1. (Amended) A filter device for coffee or the like comprising;

an open frame in a short tubular shape;

a blind-end frame in a short tubular shape having a larger diameter than said open frame, both said frames being formed of sheet material having predetermined rigidity;

a body part in a tubular shape of truncated cone formed of sheet material having predetermined rigidity and flexibility which is deformable and has shape retaining ability, said open frame and said blind-end frame being arranged above and below, and integrally connected by way of said body part thereby to compose a container body substantially in a shape of truncated cone in its outer shape; and

a store room for enclosing substance to be extracted such as ground coffee or the like which is continuously provided in a bottom of said blind-end frame,

wherein while not in use, said [open frame] body part is adapted to be invertibly folded and housed inside said blind-end frame together with said [body part] open frame by means of flexibility of said body part thereby to contract said container body, and while in use, said body part is expanded by pulling out of said open frame from said blind-end frame, whereby said container body is expanded and restored to an original cup-like shape.